

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

<p>RAINA DEMARRIAS, by and through DAWN RENVILLE, her successor in interest,</p> <p>Plaintiff,</p> <p>vs.</p> <p>CODINGTON COUNTY, HUMAN SERVICE AGENCY, TOBY WISHARD, THOMAS WALDER, ERIN LENZNER, a/k/a ERIN WINGER, TYREL MINOR, TYLER VARNIS, KELLY SPIEKER, and SHAWN NILLS,</p> <p>Defendants.</p>	<p>1:18-cv.-01004-CBK</p> <p>DEFENDANTS HUMAN SERVICE AGENCY AND SHAWN NILLS' ANSWER TO PLAINTIFF'S AMENDED COMPLAINT</p>
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Defendants Human Service Agency and Shawn Nills (collectively "HSA"), through their counsel of record, for their Answer to Plaintiff's Amended Complaint and Demand for Jury Trial (Doc. 12), state and allege as follows:

FIRST DEFENSE

1. Said Amended Complaint fails to state a claim or a cause of action against HSA on which relief can be granted.

SECOND DEFENSE

2. HSA deny each and every allegation, matter, and thing contained in said Amended Complaint except those that are hereinafter specifically admitted and/or qualified.

3. HSA admit that Dawn Renville is the mother of decedent Raina Demarrias.

4. HSA admit paragraphs 5, 6, 29, 30, 31, 108, 109, 111, 121, 122, and 128.

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5. Paragraphs 1, 2, 3, 15, 16, and paragraph 21 of Court IV are legal conclusions to which no response is required.

6. As to paragraph 7, HSA admit entering into a consulting contract with the Codington County Detention Center.

7. As to paragraph 8, HSA admit that Defendant Toby Wishard was, at all relevant times, the Codington County Sheriff.

8. As to paragraph 14, HSA admit that Shawn Nills was a qualified mental health professional.

9. Upon information and belief, HSA admit paragraphs 91, 92, 93, 94, and 95.

10. HSA admit that upon Raina Demarrias' processing into the CCDC, Meegan Brink met with Raina Demarrias and, upon consultation with Kari Johnston of HSA, concluded that Raina Demarrias was not a danger to herself or others and, therefore, a petition for emergency mental health commitment was not warranted.

11. HSA admit that paragraphs 104 and 105 are accurate excerpts from HSA's progress notes.

12. As to paragraph 106, HSA admit that Shawn Nills saw Raina Demarrias on the dates set forth in the Amended Complaint and on each of those dates, Raina Demarrias was not suicidal.

13. As to paragraph 107, HSA are without sufficient information to admit or deny the allegations contained therein.

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14. HSA admit paragraphs 108, 109, and 110 and further state that Dr. Nipe did not assess Raina Demarrias as suicidal.

15. The allegations in paragraphs 9-13, 20-28, 32-34, and 36-90 and Counts III, V, and VI are directed at co-defendants and, therefore, do not require responses from HSA.

16. As to paragraphs 35, 96, 97, 101, 107, 112, 113, 114-127, and 129-147, HSA are without sufficient information to admit or deny the allegations contained therein.

THIRD DEFENSE

17. At all times pertinent, HSA were qualifiedly immune, barring recover herein.

18. In further answering, and as an affirmative defense, Plaintiff decedent was contributorily negligent and assumed the risk, barring Plaintiff's recovery herein.

REQUEST FOR RELIEF

HSA request the following relief:

1. That Plaintiff's Amended Complaint (Doc. 12) be dismissed on the merits.
2. That HSA have and recover their costs and disbursements incurred.
3. For other such relief as the Court may deem appropriate under the circumstances.

DEMAND FOR JURY TRIAL

HSA demand a trial by jury on all issues of fact and questions of law.

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Dated: July 10, 2018.

FULLER & WILLIAMSON, LLP

/s/ William Fuller
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Certificate of Service

I certify that on July 10, 2018, I e-filed and served via CM/ECF Filer (PACER) a true and correct copy of Defendants Human Service Agency and Shawn Nills' Answer to Plaintiff's Amended Complaint, on:

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